

Transferred from the ND of IL on 9/5/17

UNITED STATES DISTRICT COURT

5:17-CV-3984
17 3984

FOR THE EASTERN DISTRICT OF PENNSYLVANIA — DESIGNATION FORM to be used by counsel to indicate the category of the case for the purpose of assignment to appropriate calendar.

Address of Plaintiff:

Cook County, ILLINOIS

Address of Defendant:

Allentown, PA

Place of Accident, Incident or Transaction:

(Use Reverse Side For Additional Space)

Does this civil action involve a nongovernmental corporate party with any parent corporation and any publicly held corporation owning 10% or more of its stock?

(Attach two copies of the Disclosure Statement Form in accordance with Fed.R.Civ.P. 7.1(a))

Yes ☐ No ☐

Does this case involve multidistrict litigation possibilities?

Yes ☐ No ☐

RELATED CASE, IF ANY:

Case Number:

Judge

Date Terminated:

AIR

Civil cases are deemed related when yes is answered to any of the following questions:

1. Is this case related to property included in an earlier numbered suit pending or within one year previously terminated action in this court?

Yes ☐ No ☐

2. Does this case involve the same issue of fact or grow out of the same transaction as a prior suit pending or within one year previously terminated action in this court?

Yes ☐ No ☐

3. Does this case involve the validity or infringement of a patent already in suit or any earlier numbered case pending or within one year previously terminated action in this court?

Yes ☐ No ☐

4. Is this case a second or successive habeas corpus, social security appeal, or pro se civil rights case filed by the same individual?

Yes ☐ No ☐CIVIL: (Place ☒ in ONE CATEGORY ONLY)

A. Federal Question Cases:

1. ☐ Indemnity Contract, Marine Contract, and All Other Contracts
2. ☐ FELA
3. ☐ Jones Act-Personal Injury
4. ☐ Antitrust
5. ☐ Patent
6. ☐ Labor-Management Relations
7. ☐ Civil Rights
8. ☐ Habeas Corpus
9. ☐ Securities Act(s) Cases
10. ☐ Social Security Review Cases

11. ☒ All other Federal Question Cases

(Please specify)

Other Statutory Actions (TCPA)

B. Diversity Jurisdiction Cases:

1. ☐ Insurance Contract and Other Contracts
2. ☐ Airplane Personal Injury
3. ☐ Assault, Defamation
4. ☐ Marine Personal Injury
5. ☐ Motor Vehicle Personal Injury
6. ☐ Other Personal Injury (Please specify)
7. ☐ Products Liability
8. ☐ Products Liability — Asbestos
9. ☐ All other Diversity Cases

(Please specify)

ARBITRATION CERTIFICATION

(Check Appropriate Category)

I, _____, counsel of record do hereby certify:

- ☐ Pursuant to Local Civil Rule 53.2, Section 3(c)(2), that to the best of my knowledge and belief, the damages recoverable in this civil action case exceed the sum of \$150,000.00 exclusive of interest and costs;
- ☐ Relief other than monetary damages is sought.

DATE: _____

Attorney-at-Law

Attorney ID.#

NOTE: A trial de novo will be a trial by jury only if there has been compliance with F.R.C.P. 38.

SEP - 5 2017

I certify that, to my knowledge, the within case is not related to any case now pending or within one year previously terminated action in this court except as noted above.

DATE: 9/5/17

Steve Thomas

Attorney-at-Law

Deputy Clerk

Attorney ID.#

JFL

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

CASE MANAGEMENT TRACK DESIGNATION FORM

Catherine Gould

CIVIL ACTION

v.
Ideal Concepts, Inc. d/b/a
American Insurance Organization

NO. **17 3984**

In accordance with the Civil Justice Expense and Delay Reduction Plan of this court, counsel for plaintiff shall complete a Case Management Track Designation Form in all civil cases at the time of filing the complaint and serve a copy on all defendants. (See § 1:03 of the plan set forth on the reverse side of this form.) In the event that a defendant does not agree with the plaintiff regarding said designation, that defendant shall, with its first appearance, submit to the clerk of court and serve on the plaintiff and all other parties, a Case Management Track Designation Form specifying the track to which that defendant believes the case should be assigned.

SELECT ONE OF THE FOLLOWING CASE MANAGEMENT TRACKS:

- (a) Habeas Corpus – Cases brought under 28 U.S.C. § 2241 through § 2255. ()
- (b) Social Security – Cases requesting review of a decision of the Secretary of Health and Human Services denying plaintiff Social Security Benefits. ()
- (c) Arbitration – Cases required to be designated for arbitration under Local Civil Rule 53.2. ()
- (d) Asbestos – Cases involving claims for personal injury or property damage from exposure to asbestos. ()
- (e) Special Management – Cases that do not fall into tracks (a) through (d) that are commonly referred to as complex and that need special or intense management by the court. (See reverse side of this form for a detailed explanation of special management cases.) ()
- (f) Standard Management – Cases that do not fall into any one of the other tracks. (X)

Date 9/5/17

Steve Tomas
Attorney-at-law

Deputy Clerk
Attorney for

Telephone

FAX Number

E-Mail Address

SEP - 5 2017

MASON,TERMED

JFL

United States District Court
Northern District of Illinois - CM/ECF LIVE, Ver 6.1.1.2 (Chicago)
CIVIL DOCKET FOR CASE #: 1:17-cv-04852

17 3984

Gould v. Ideal Concepts, Inc.
Assigned to: Honorable Manish S. Shah
Cause: 28:1331 Federal Question

Date Filed: 06/28/2017
Date Terminated: 08/16/2017
Jury Demand: Plaintiff
Nature of Suit: 890 Other Statutory
Actions
Jurisdiction: Federal Question

Plaintiff

Catherine Gould
*individually and on behalf of all others
similarly situated*

represented by **Christopher Elisha Roberts**
Butsch Roberts & Associates LLC
231 S. Bemiston Ave.
Suite 260
Clayton, MO 63105
(314) 863-5700
Email: croberts@butschroberts.com
LEAD ATTORNEY
ATTORNEY TO BE NOTICED

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(312) 201-0575

Email: bormeslaw@sbcglobal.net
 ATTORNEY TO BE NOTICED

V.

Defendant

Ideal Concepts, Inc.
doing business as
 American Insurance Organization

represented by **David S. Almeida**
 Benesch Friedlander Coplan & Aronoff
 LLP
 333 W. Wacker Dr., Suite 1900
 Chicago, IL 60606
 312-212-4949
 Email: dalmeida@beneschlaw.com
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 ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
06/28/2017	<u>1</u>	NOTICE of Removal from Circuit Court of Cook County, Chancery Division, case number (17 CH 2489) filed by Ideal Concepts, Inc. d/b/a American Insurance Organization Filing fee \$ 400, receipt number 0752-13328338. (Attachments: # <u>1</u> Exhibit 1, # <u>2</u> Exhibit 2)(Almeida, David) (Entered: 06/28/2017)
06/28/2017	<u>2</u>	CIVIL Cover Sheet (Almeida, David) (Entered: 06/28/2017)
06/28/2017	<u>3</u>	ATTORNEY Appearance for Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization by David S. Almeida (Almeida, David) (Entered: 06/28/2017)
06/28/2017		CASE ASSIGNED to the Honorable Manish S. Shah. Designated as Magistrate Judge the Honorable Michael T. Mason. (meg,) (Entered: 06/29/2017)

06/29/2017	<u>4</u>	ATTORNEY Appearance for Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization by Mark Stephen Eisen (Eisen, Mark) (Entered: 06/29/2017)
06/29/2017	<u>5</u>	ATTORNEY Appearance for Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization by James Dominick Larry (Larry, James) (Entered: 06/29/2017)
06/30/2017	<u>6</u>	NOTICE TO THE PARTIES - The Court is participating in the Mandatory Initial Discovery Pilot (MIDP). The key features and deadlines are set forth in the attached Notice which includes the MIDP Standing Order. Also attached is a checklist for use by the parties. In cases subject to the pilot, all parties must respond to the mandatory initial discovery requests set forth in the Standing Order before initiating any further discovery in this case. Please note: The discovery obligations in the Standing Order supersede the disclosures required by Rule 26(a)(1). Any party seeking affirmative relief must serve a copy of the attached documents (Notice to Parties and the Standing Order) on each new party when the Complaint, Counterclaim, Crossclaim, or Third-Party Complaint is served. (gcy,) (Entered: 06/30/2017)
06/30/2017	<u>7</u>	MAILED Notice of Removal letter to Attorney of Record. (gcy,) (Entered: 06/30/2017)
06/30/2017	<u>8</u>	ATTORNEY Appearance for Plaintiff Catherine Gould by Christopher Elisha Roberts (Roberts, Christopher) (Entered: 06/30/2017)
07/05/2017	<u>9</u>	MOTION by Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization to dismiss for lack of jurisdiction <i>In the Alternative</i> , MOTION by Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization to transfer case <i>to the Eastern District of Pennsylvania</i> (Almeida, David) (Entered: 07/05/2017)
07/05/2017	<u>10</u>	MEMORANDUM by Ideal Concepts, Inc. d/b/a American Insurance Organization in support of motion to dismiss/lack of jurisdiction,, motion to transfer case, <u>9</u> (Attachments: # <u>1</u> Declaration of John Pequeno)(Almeida, David) (Entered: 07/05/2017)
07/05/2017	<u>11</u>	NOTICE of Motion by David S. Almeida for presentment of motion to dismiss/lack of jurisdiction,, motion to transfer case, <u>9</u> before Honorable Manish S. Shah on 7/12/2017 at 09:45 AM. (Almeida, David) (Entered: 07/05/2017)
07/05/2017	<u>12</u>	ATTORNEY Appearance for Plaintiff Catherine Gould by James X. Bormes (Bormes, James) (Entered: 07/05/2017)
07/05/2017	<u>13</u>	ATTORNEY Appearance for Plaintiff Catherine Gould by Catherine P. Sons (Sons, Catherine) (Entered: 07/05/2017)
07/12/2017	<u>14</u>	MINUTE entry before the Honorable Manish S. Shah: Motion hearing held. No later than 7/26/17, defendant is directed to supply the information it is relying on to claim that plaintiff provided a Missouri address, and that plaintiff consented to receiving text messages. No other jurisdictional discovery is permitted at this time. Plaintiff's response to defendant's motion to dismiss or

		transfer <u>9</u> is due 8/9/17. No reply is necessary. The court finds that there exists good cause to excuse this case from the Mandatory Initial Discovery Program, and the Clerk is directed to remove the MIDP designation from the court's docket. Continued status hearing is set for 8/16/17 at 9:30 a.m. Notices mailed. (psm,) (Entered: 07/12/2017)
07/12/2017	<u>15</u>	ATTORNEY Appearance for Plaintiff Catherine Gould by David T Butsch (Butsch, David) (Entered: 07/12/2017)
08/09/2017	<u>16</u>	TRANSCRIPT OF PROCEEDINGS held on 07/12/17 before the Honorable Manish S. Shah. Court Reporter Contact Information: Colleen Conway, 312.435.5594 or colleen_conway@ilnd.uscourts.gov. IMPORTANT: The transcript may be viewed at the court's public terminal or purchased through the Court Reporter/Transcriber before the deadline for Release of Transcript Restriction. After that date it may be obtained through the Court Reporter/Transcriber or PACER. For further information on the redaction process, see the Court's web site at www.ilnd.uscourts.gov under Quick Links select Policy Regarding the Availability of Transcripts of Court Proceedings. Redaction Request due 8/30/2017. Redacted Transcript Deadline set for 9/11/2017. Release of Transcript Restriction set for 11/7/2017. (Conway, Colleen) (Entered: 08/09/2017)
08/09/2017	<u>17</u>	MEMORANDUM by Catherine Gould in Opposition to motion to dismiss/lack of jurisdiction,, motion to transfer case, <u>9</u> (Attachments: # <u>1</u> Exhibit 1 - Declaration of Catherine Gould)(Roberts, Christopher) (Entered: 08/09/2017)
08/15/2017	<u>18</u>	REPLY in Support of Ideal Concept's Motion to Dismiss Plaintiff's Complaint for lack of personal jurisdiction and alternative to transfer. (Almeida, David) Docket Text Modified by Clerk's Office on 8/16/2017 (jh,). (Entered: 08/15/2017)
08/16/2017	<u>19</u>	MINUTE entry before the Honorable Manish S. Shah: Motion hearing held. Motion by Defendant Ideal Concepts, Inc. d/b/a American Insurance Organization to dismiss for lack of personal jurisdiction <u>9</u> is granted. For the reasons stated in open court, the complaint is dismissed without prejudice for lack of personal jurisdiction. Upon consideration of the parties positions concerning potential transfer of this case to the U.S. District Court for the Eastern District of Pennsylvania, the court grants the request to transfer. The Eastern District of Pennsylvania has personal jurisdiction over defendant, and while that district may not be the most convenient for plaintiff, defendant is located there and transfer will avoid the costs imposed on both sides if plaintiff were to attempt to re-file this action in another court or attempted to file an amended complaint in this case (prompting additional briefing and expense on the question of personal jurisdiction in Illinois). The Clerk is directed to transfer this case to the U.S. District Court for the Eastern District of Pennsylvania. Civil case terminated. Mailed notice. (ym,) (Entered: 08/16/2017)
09/05/2017	<u>20</u>	TRANSFERRED to the The Eastern District of Pennsylvania the electronic record. (jh,) (Entered: 09/05/2017)

PACER Service Center			
Transaction Receipt			
09/06/2017 11:14:06			
PACER Login:	ue0496:4286791:0	Client Code:	
Description:	Docket Report	Search Criteria:	1:17-cv-04852
Billable Pages:	3	Cost:	0.30

Case: 1:17-cv-04852 Document #: 20 Filed: 09/05/17 Page 1 of 2 PageID #:112



UNITED STATES DISTRICT COURT
Northern District of Illinois
219 South Dearborn Street
Chicago, Illinois 60604

Thomas G. Bruton
Clerk

312-435-5670

Date: September 5, 2017

Pennsylvania Eastern District Court
James A. Byrne
United States Courthouse
601 Market Street, Room 2609
Philadelphia, PA 19106-1797

Re: Gould v. Ideal Concepts, Inc.

USDC Case Number:17cv4852

Dear Clerk:

Pursuant to the order entered by Honorable Manish S. Shah, on 8/16/2017, the above record was

X ☐ Electronically transmitted to: U.S. District Court for the Eastern
District of Pennsylvania

Please acknowledge receipt of any paper documents on the enclosed copy of this letter.

Sincerely,
Thomas G. Bruton, Clerk

By: /s/ J. Hollimon
Deputy Clerk

Case: 1:17-cv-04852 Document #: 20 Filed: 09/05/17 Page 2 of 2 PageID #:113

New Case No. _____ Date _____ .

cc: Non-ECF Attorneys and Pro se Parties